

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 15205

PERMIT 15028

LICENSE 11566

ORDER AMENDING LICENSE

WHEREAS:

1. License 11566 was issued to Yuba County Water Agency and was recorded with the County Recorder of Yuba County on June 25, 1984 in Book 830, Page 251, with the County Recorder of Sierra County on June 25, 1984 in Volume 106, Page 300, and with the County Recorder of Nevada County on June 25, 1984 in File 84-992.
2. After reviewing the licensee's Plan of Compliance, the staff recommended and the licensee agreed to a term being added to License 11566.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The following paragraph is added to this license:

"Any fishery flow release requirements contained or referenced in this license shall be made in accordance with the licensee's Plan of Compliance accepted by the Division of Water Rights"

Dated: SEPTEMBER 23 1986

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 15205

PERMIT 15028

LICENSE 11566

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THIS IS TO CERTIFY, That

Yuba County Water Agency
P. O. Box 1569, Marysville, California 95901

has made proof as of October 15, 1980 (date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the water of

(1) Middle Yuba River in Nevada and Sierra Counties, (2) North Yuba River in Yuba County and (3) Yuba River in Yuba and Nevada Counties
tributary to (1) (2) Yuba River and (3) Feather River

for the purpose of Power use

under Permit 15028 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from February 20, 1953.

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed (A) By direct diversion: (1) two hundred forty-five (245) cubic feet per second from North Yuba River from March 15 to June 15 of each year and (2) eight hundred (800) cubic feet per second from Yuba River from November 1 of each year to July 15 of the succeeding year; and (B) a total of three thousand nine hundred (3,900) acre-feet per annum by storage from May 1 to June 30 of each year as follows: (1) 3,200 acre-feet per annum from Middle Yuba River, and (2) 700 acre-feet per annum from North Yuba River. The total amount of water to be taken from the sources (combined direct diversion through both powerplants plus collection to storage) under this license, License 435 (Application 2197), License 436 (Application 3026), License 777 (Application 5004), License 3050 (Application 9516), License 5544 (Application 10282) and licenses issued pursuant to Applications 5631 and 15563 shall not exceed 3,766,300 acre-feet per year. The total amount of water to be placed to beneficial use (total flow through both powerplants consisting of combined direct diversion plus withdrawal from storage) under this license, License 435 (Application 2197), License 436 (Application 3026), License 777 (Application 5004), License 3050 (Application 9516), License 5544 (Application 10282) and licenses issued pursuant to Applications 5631 and 15563 shall not exceed 4,223,300 acre-feet per year.

The maximum amount of water held in storage in New Bullards Bar Reservoir has been 966,100 acre-feet.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUNE 20 1984

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
Chief, Division of Water Rights

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The maximum rate of diversion and diversion to offstream storage from Middle Yuba River under this license and licenses issued pursuant to Applications 5631 and 15205 shall not exceed a total of 1,000 cubic feet per second. The maximum rate of diversion and diversion to offstream storage from Oregon Creek plus rediversion of water from Middle Yuba River under this license and licenses issued pursuant to Applications 5631 and 15205 shall not exceed a total of 1,100 cubic feet per second.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

THE POINT OF DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

- (1) Our House Diversion Dam on Middle Yuba River - South 19°00' East 2,850 feet from NW corner of Section 20, T18N, R9E, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 20.

THE POINT OF REDIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

- (2) Log Cabin Diversion Dam on Oregon Creek - North 21°30' East 1,770 feet from SW corner of Section 11, T18N, R8E, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 11.

THE POINT OF DIVERSION, REDIVERSION AND STORAGE OF SUCH WATER IS LOCATED:

- (3) New Bullards Bar Dam on North Yuba River - South 54°30' East 2,350 feet from NW corner of Section 25, T18N, R7E, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25.

THE POINT OF DIVERSION AND REDIVERSION OF SUCH WATER IS LOCATED:

- (4) Englebright (Narrows) Dam on Yuba River - North 67°00' East 2,570 feet from SW corner of Section 14, T16N, R6E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 14.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At New Colgate Powerplant within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16, T17N, R7E, MDB&M, and at New Narrows (Narrows #2) Powerplant within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, T16N, R6E, MDB&M, as shown on maps filed with State Water Resources Control Board.

Water is returned to Yuba River below New Colgate Powerplant within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16, T17N, R7E, MDB&M and to Yuba River below New Narrows Powerplant within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, T16N, R6E, MDB&M.

The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Upon the request of the Board, licensee shall make such measurements and maintain and furnish to the Board such records and information as may be necessary to determine compliance with the limitations and conditions of this license including the recognition of vested rights and for the purpose of determining the quantities of water placed to beneficial use under the license both by direct diversion and storage.

This license is subject to lawful appropriations of water for use in any county in which the water originates without regard to the time such appropriations are initiated.

This license is subject to that certain agreement between Yuba County Water Agency and Nevada Irrigation District dated November 13, 1961, filed of record with the State Water Resources Control Board as Yuba's Exhibit 37 at the hearing of Applications 5631, etc., insofar as such agreement relates to matters within the jurisdiction of the Board.

This license is subject to that certain agreement between Yuba County Water Agency and the Department of Fish and Game dated September 2, 1965, insofar as such agreement relates to matters within the jurisdiction of the Board.

During the season specified in this license the total quantity and rate of water diverted, stored and used under this license and licensee's claimed existing rights for the place of use specified in the license shall not exceed the quantity and rate of diversion, storage and use, respectively, specified in the license. If the licensee's claimed existing rights are quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion, storage and use allowed under this license shall be the net of the face value of the license less the amounts of water available under the existing rights.

Licensee shall forfeit all rights under this license if licensee transfers all or any part of his claimed existing rights for the place of use covered by this license to another place of use without the prior approval of the Board.

Licensee shall take and use water under the existing rights claimed by licensee only in accordance with law.
